

**STATE OF MONTANA
DEPARTMENT OF ADMINISTRATION
ARCHITECTURE AND ENGINEERING DIVISION
STANDARD FORM OF CONTRACT BETWEEN
CONTRACTOR AND OWNER FOR CONSTRUCTION**

THIS CONTRACT IS SUBJECT TO ARBITRATION PURSUANT TO
THE UNIFORM ARBITRATION ACT, MCA TITLE 27 CHAPTER 5

This CONTRACT made as of [MONTH/DAY/YEAR] between [CONTRACTOR NAME AND ADDRESS] hereinafter called the CONTRACTOR, and the STATE OF MONTANA, acting by and through it's DIRECTOR, DEPARTMENT OF ADMINISTRATION, hereinafter called the OWNER. WITNESSETH, that the Contractor and the Owner for the consideration hereinafter named agree as follows:

ARTICLE 1. SCOPE OF WORK

The Contractor shall perform all the Work as shown in the Contract Documents entitled [NAME ON PLANS & SPECIFICATIONS] as prepared by [ARCHITECTURAL OR ENGINEERING FIRM] acting as the Architect/Engineer.

ARTICLE 2. TIME OF COMPLETION

The Work to be performed under this contract shall commence on a date set forth by the Owner in a written "Notice to Proceed" and shall be completed within [NUMBER ()] CONSECUTIVE CALENDAR DAYS. If the work is not completed within the time specified, the Owner may assess liquidated damages in the amount of [AMOUNT] AND NO/100 DOLLARS (\$.00) PER CALENDAR DAY.

ARTICLE 3. THE CONTRACT SUM

The Owner shall pay the Contractor in current funds for the performance of the Work, subject to additions and deductions by Change Order or liquidated damages as provided in the Contract Documents, the Contract Sum of: **[AMOUNT] AND NO/100 DOLLARS (\$.00).**

ARTICLE 4. PROGRESS PAYMENTS

The Owner shall make payments on account of the Contract as follows: Ninety percent (90%) of the portion of the Contract Sum for labor, materials and equipment incorporated in the work and of materials suitably stored at the project site or at some other location agreed upon in writing. The Owner shall make payment within thirty (30) calendar days after receipt of Form 101, Periodic Estimate for Partial Payment request, subject to review and approval. The Contractor shall, within seven (7) days following receipt of payment from the Owner, make payment to the Subcontractor(s), less any retainage as provided between the Contractor and Subcontractor(s).

ARTICLE 5. FINAL PAYMENT

Final payment constituting the entire unpaid balance of the Contract Sum, shall be paid by the Owner to the Contractor when: 1) the Work has been completed; 2) the Contract fully performed; 3) a final Certificate for Payment has been issued by the Architect; 4) an Affidavit on Behalf of the Contractor form is submitted; and 5) Consent of Surety Company to Final Payment form is submitted.

ARTICLE 6. THE CONTRACT DOCUMENTS

The Bid Documents, together with this Contract, form the entire Contract, and they are totally a part of the Contract as if hereto attached or herein repeated. The following is an enumeration of the Bid Documents:

The Invitation for Bids, Instruction to Bidders, General Conditions,
Supplementary General Conditions, Federal Wage Rates, Specifications,

Drawings, Bid, Addenda (if any).

ARTICLE 7. STANDARD PREVAILING RATE OF WAGES AND PREFERENCE OF MONTANA LABOR

This project is funded with Federal funds. The Contractor and Subcontractors shall pay the standard Federal prevailing rate of wages, including fringe benefits for health and welfare and pension contributions and travel allowance provisions in effect and applicable to the county or locality in which the work is being performed. These prevailing wage rates will be bound in the Bid Documents and are incorporated herein. The Contractor shall give preference to the employment of bona-fide Montana residents in the performance of the work as required by 18-2-403 Montana Code Annotated unless this project is funded in part or in whole by the U.S. Department of Transportation.

ARTICLE 8. VENUE

In the event of litigation or arbitration concerning the Contract, venue shall be the First Judicial District in and for the County of Lewis and Clark, Montana, and the Contract shall be interpreted according to the laws of Montana.

This Contract entered into as of the day and year first written above:

CONTRACTOR:

(Company)

(Signature) (Title)

Taxpayer's I.D. No. _____

Contractor's Registration Certificate No. _____

Date: _____

Is this firm incorporated? _____ no _____ yes

OWNER: STATE OF MONTANA
DEPARTMENT OF ADMINISTRATION

Director

Date